

DETAILED ACTION

Response to Amendment

Claims 1-5 and 7-11 are pending on this application. The applicant has amended claims 1, 2 and 7 and added new independent claims 10 and 11 to be examined. The examiner has considered the amendment to the claims and examined the newly added claims very carefully.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazuyoshi et al (JP2002-066141), in view of James et al (US 6,179,713).

Regarding claims 1, 8 and 10-11, Kazuyoshi discloses a gaming machine that is connected in a public network having capability of sending and receiving emails from each individual player, thus each player are identified by their email addresses (para 0031, lines 1-3, Fig 2, 11 and para 0033, lines 1-5). Kazuyoshi further discloses email sentences get analyzed to obtain instruction information for the game (para 0035, lines 1-5); and the text information get judged or evaluated for the status of the game, thus the state of the game progress can be determined (para 0035, lines 5-9). Kazuyoshi also teaches reply back to the player with the updated information and the status of the game story (para 0040, lines 4-7), and it is understood that players are identified by the

sent emails to the game machine and replies are sent to those emails as well. Even though it is well known in the art, when a device updates a status of any data it has to compare the updating data to a stored data, Kazuyoshi teaches the game text analysis and the evaluation that can be interpreted as evaluating story in a game or the progress state of the game for the player. Kazuyoshi teaches a gaming device that has a pre-determined command stored on the game server, which are compared with player text command to progress the game. Kazuyoshi further teaches the stored words are used to be in the email has a contextual relationship to instruct a player (claim 5). However Kazuyoshi fails to teach various types of information such as words being distributed in a public network and being available to the players via a homepage. James teaches a command based multiplayer network game that distributes various types of player information through a public network and available to the players (col 3, lines 65-66 and col 4, lines 1-8), and having the information available via a homepage would have been obvious to ordinary skilled artisan. Therefore it would have been obvious for one having ordinary skill in the art to modify Kazuyoshi's web server based information to include James web player information available to the players via homepage to create more excitement in the game.

Regarding claim 2, Kazuyoshi teaches a gaming machine that has pre-determined stored words (Fig 2, 23) where the words get analyzed from the content of the email (para 0036, lines 1-30).

Regarding claim 3, Kazuyoshi teaches a gaming device having capability of sending and receiving emails, where based on the email content comparing with pre-

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determined server based data, a state or story of a game is determined. If a player sent text does not match with the pre-determined content on the server, which would not apply as a command or direction for the game, which would cause an error. However, Kazuyoshi failed to disclose an error message being sent to the player when an error occurs. James teaches a command base network multiplayer game having a validity function of checking the command for an error and send the error message to the player (col 9, lines 1-10) Therefore it would have been obvious for one having ordinary skill in the art to understand that unmatched text would cause an error and player would be notified in order to further progress in the game and incorporate James into Kazuyoshi to have error handling email message.

Regarding claim 4, Kazuyoshi teaches a gaming device having email functionality and a pre-determined text or object-based game. However Kazuyoshi fails to specifically disclose computing the time in between the email messages or the commands. James teaches a command base network multiplayer game that has pre-determined text and the player time is computed to determine the state of the game progress (col 10, lines 35-55). Therefore it would have been obvious for one skilled in the art to modify Kazuyoshi's software to compute time in between game states.

Regarding claim 5, Kazuyoshi discloses a gaming device having pre-determined image data that can be attached to the development of the game state or story (para 0040, lines 1-5).

Regarding claim 9, Kazuyoshi teaches a gaming device where the device is a mobile phone (para 0026, line 3 and Drawing 1).

Response to Arguments

3. Applicant's arguments filed 3/18/2008 have been fully considered but they are not persuasive. Examiner respectfully disagrees with the applicant for the following reasons:

In response to applicant's argument on "Chinese character of Kazuyoshi being different than applicant's claims invention", examiner disagrees and believes the claimed invention by the applicant reads " (i) word information comprising words usable in said e-mail which has sentence contents for instructing a character in said ,game, and (ii) commands which correspond to said words usable in said e-mail," in claim 5 of Kazuyoshi its clear and apparent that the invention is not limited to the character only, email instruction also contains letters and words that corresponds to the stored instruction.

In response to applicant's argument on, " Kazuyoshi's meanings of words forming each sentence are not analyzed as to their contextual relationships", examiner disagrees and believes the meaning of the character or the words are analyzed as to their contextual relationships since these characters or words of Kazuyoshi translate a meaning.

Applicant is advised to review all the prior art of record cited by the examiner very closely.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MASUD AHMED whose telephone number is (571)270-1315. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571 272 7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

/M. A./
Examiner, Art Unit 3714